IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8493 of 1988

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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G S R T C - Petitioner(s)

Versus

RAMESHCHANDRA C PATEL - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

MR MUKESH H RATHOD for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged, whereby the petitioner was directed to reinstate the respondent

workman with continuity of service but without back wages and a penalty of stoppage of two increments with future effect was imposed.

2.0 The respondent was working as a Conductor with the petitioner. It is the case of the petitioner that the respondent was found guilty of misappropriating the amounts received from the issuance of tickets. Departmental inquiry was held against the respondent. Since the charges leveled against the respondent were proved, he was dismissed from service w.e.f. 27.08.1984.

2.1 Pursuant to the above, the respondent raised a dispute before the Labour Court, Surat, by way of a reference. The Labour Court, after hearing the parties, by impugned award issued the aforesaid directions. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. On 25.01.1991, this Court had refused to grant interim relief in the matter. Pursuant to the above order, the respondent has been reinstated in service. Moreover, there is no adverse record against the respondent pursuant to his

reinstatement in service. Hence, it would be appropriate to continue the aforesaid arrangement which has continued for almost fourteen years. No fruitful purpose would be served by disturbing the said arrangement at this stage.

4.0 In above view of the matter, the petition is dismissed. The impugned award dated 31.12.1987 passed by the Labour Court, Surat, in Reference (LCS) No.127 of 1986 is confirmed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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